

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

ALEXANDER STYLLER, INTEGRATED
COMMUNICATIONS & TECHNOLOGIES,
INC., JADE CHENG, JASON YUYI, CATHY
YU, CAROLINE MARAFAO CHENG,
PUSHUN CHENG, CHANGZHEN NI,
JUNFANG YU, MEIXIANG CHENG,
FANGSHOU YU, and CHANGHUA NI,

Plaintiffs,

vs.

HEWLETT-PACKARD FINANCIAL
SERVICES COMPANY, HEWLETT-
PACKARD FINANCIAL SERVICES (INDIA)
PRIVATE LIMITED, HP INC., HEWLETT
PACKARD ENTERPRISE COMPANY, and
DAVID GILL,

Defendants.

Civil Action No. 1:16-CV-10386 (LTS)

**DEFENDANTS' MOTION FOR SUMMARY JUDGMENT
ON PLAINTIFFS' COUNTERFEITING CLAIMS (COUNTS I-VI)**

Pursuant to Fed. R. Civ. P. 56(a) and Local Rule 56.1, Defendants Hewlett-Packard Financial Services Company, Hewlett-Packard Financial Services (India) Private Limited, HP Inc., Hewlett Packard Enterprise Company, and David Gill, move for partial summary judgment in Defendants' favor on Counts I-VI of Plaintiffs' Second Amended Complaint. For the reasons set forth in the accompanying Memorandum, there is no genuine dispute of material fact as to the authenticity of the Seized Equipment sold by HPFS India to ICT. Because Plaintiffs cannot prove an essential element of Counts I-VI of their Second Amended Complaint, those counts should be dismissed. Defendants also request that the Court bar Plaintiffs from advancing any theory in this case premised on any allegation that any Defendant sold counterfeit goods to ICT.

Defendants file in support of this Motion the accompanying (i) Memorandum; and (ii) Declaration of Kevin C. Quigley and exhibits thereto. In compliance with this Court's Standing Order, Defendants will also serve their supporting Statement of Undisputed Material Facts, and will cooperate with Plaintiffs to file a single, combined Statement.

Dated: March 16, 2020

Respectfully submitted,

/s/ Michael H. Bunis

Michael H. Bunis (BBO No. 566839)
G. Mark Edgerton (BBO No. 657593)
Kevin C. Quigley (BBO No. 685015)
CHOATE HALL & STEWART LLP
Two International Place
Boston, Massachusetts 02110
(617) 248-5000
mbunis@choate.com
medgerton@choate.com
kquigley@choate.com

Anthony P. Callaghan
Paul A. Saso
GIBBONS P.C.
One Pennsylvania Plaza, 37th Floor
New York, New York, 10119
(212) 613-2000

Counsel for Defendants

CERTIFICATION UNDER LOCAL RULE 7.1(a)(2)

I, Kevin C. Quigley, counsel for Defendants, certify that on March 13, 2020, I conferenced by telephone with Dimitry Joffe and Josh McGuire, counsel for Plaintiffs, concerning the subject of this Motion. We conferred in good faith, but were unable to resolve or narrow the issues in dispute.

/s/ Kevin C. Quigley
Kevin C. Quigley

CERTIFICATE OF SERVICE

I, Christina T. Lau, Attorney for Defendants Hewlett-Packard Financial Services Company, Hewlett-Packard Financial Services (India) Private Limited, HP Inc., Hewlett Packard Enterprise Company, and David Gill, hereby certify that the foregoing document was filed using the CM/ECF system and electronic notice will be sent to registered participants as indicated on the Notice of Electronic Filing (NEF) on March 16, 2020.

/s/Christina T. Lau
Christina T. Lau

9656815